



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 1, 2014

Kyle Edwards, Resident Agent
BRC Wellington, LLC
P.O. Box 401
Wellington, Utah 84542

Subject: Five Year Permit Renewal, Wellington Dry-Coal Cleaning Facility, BRC Wellington, LLC, C/007/0045, Task ID #4586

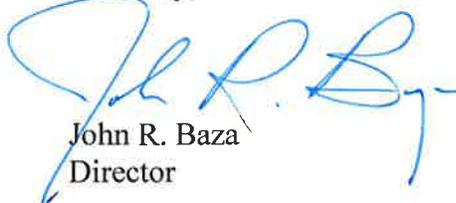
Dear Mr. Edwards:

The permit renewal for the Wellington Dry-Coal Cleaning Facility is approved effective August 31, 2014. Enclosed are two (2) copies of the renewed permanent program permit. Please note the special condition attached.

Please have both permits signed by the designated signatory authority and return one signed copy to the Division.

If you have any questions, please call me or Daron Haddock at (801) 538-5325.

Sincerely,



John R. Baza
Director

JRB/DRH/sqs

Enclosures

O:\007045.WDC\PERMIT\2014\BazaLetter.doc

**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT TRANSFER**

**BRC Wellington, LLC
Wellington Dry-Coal Cleaning Facility
C/007/0045
Carbon County, Utah**

July 1, 2014

CONTENTS

- * Administrative Overview
- * Permitting Chronology
- * Findings
- * Permit
- * Affidavit of Publication
- * AVS Recommendation

ADMINISTRATIVE OVERVIEW

BRC Wellington, LLC
Wellington Dry-Coal Cleaning Facility
C/007/0045
Carbon County, Utah

July 1, 2014

BACKGROUND

The Division was contacted by COVOL in July of 2004 regarding plans to install a coal cleaning and blending facility near the city of Wellington. Initially, the Division considered this site to be a coal loading facility not “in connection with” a mine and did not require the site to be permitted under the SMCRA regulations. Later as more information became available, it was apparent that this site was conducting physical processing of coal and thus was a surface coal mining operation. On March 17, 2006, Mary Ann Wright, Associate Director at the time, issued a determination to permit the COVOL site under the Surface Mining Control and Reclamation Act. COVOL was required to submit an application to permit the site; however on April 3, 2006 they appealed the decision to the Board of Oil, Gas & Mining. On October 18, 2006 COVOL and the Division filed a “Stipulation and Joint Motion for Continuance” to attempt an amicable resolution of the matter. It was agreed that permitting the site would be advantageous to both parties. COVOL proceeded to post a reclamation bond on the site and commence the permitting process. On January 15, 2008, the Division received an application to permit the COVOL facility. On March 15, 2008 the application was determined to be administratively complete. Public notification, through the Sun Advocate, occurred from April 1, 2008 to April 22, 2008. No public comments were received. The review process consisted of the Division identifying deficiencies in the application and the applicant (COVOL) providing responses. Numerous meetings were held to discuss the results. COVOL provided additional information on October 15, 2008, October 30, 2008, March 30, 2009, and July 13, 2009. Finally on August 18, 2009 the last submittal was made which incorporated all of the updates made throughout the review process and the application was considered to be complete and accurate. A five-year permit was issued on April 31, 2009.

On May 2, 2013 the Division approved an application to change the Operator of the Wellington Dry-Coal Cleaning Facility to Bowie Refined Coal, LLC.

A transfer application that assigned the permit to BRC Wellington, LLC was received on July 31, 2013 and approved December 30, 2013. Bowie Refined Coal, LLC will remain as the Operator.

BRC Wellington, LLC submitted an application for permit renewal on April 30, 2014.

PUBLIC NOTICE

BRC Wellington, LLC published notice for the permit renewal on May 8, 15, 22 and 29, 2014 in the Sun Advocate. No comments, objections, or requests for informal conference were received by the Division during the 30-day comment period.

ANAYLSIS

The permit renewal application was received at least 120 days prior to permit renewal. All notices were published as required. No comments were received.

RECOMMENDATION

Approval for this permit renewal is recommended.

PERMITTING CHRONOLOGY

BRC Wellington, LLC
Wellington Dry-Coal Cleaning Facility
C/007/0045
Carbon County, Utah

July 1, 2014

April 30, 2014	BRC Wellington, LLC submits the permit renewal application.
May 8, 15, 22 and 29, 2014	BRC Wellington, LLC advertises public notice of permit renewal for the Wellington Dry-Coal Cleaning Facility in the Sun Advocate.
June 30, 2014	End of comment period. No comments received.
June 30, 2014	A compliance check through the AVS system is completed showing no outstanding violations for BRC Wellington, LLC.
July 1, 2014	Division approves the renewal of the Wellington Dry-Coal Cleaning Facility permit effective August 31, 2014.

PERMIT TRANSFER FINDINGS

Wellington Dry-Coal Cleaning Facility Permit Transfer
BRC Wellington, LLC
C/007/0045
Carbon County, Utah

July 1, 2014

1. The permit renewal term will not exceed the original permit term of five years. (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program. (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program. (R645-303-233.130).
5. The permittee has provided evidence of maintaining liability insurance (Federal Insurance Company #3588-98-32CHI) (R645-303-233.140).
6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the permit period. (Ironshore Indemnity Inc. #SUR60000001 in the amount of \$206,000). (R645-303-233.150).
7. The operator has submitted all information as required to date, by the Division for this renewal. (R645-303-233.160).



Permit Supervisor



Associate Director of Mining



Director

NON-FEDERAL

**PERMIT
C/007/0045**

August 31, 2014

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340**

This permit, C/007/0045, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOG M) to:

**BRC Wellington, LLC
6100 Dutchmans Lane, Suite 900
Louisville, Kentucky 40205
(502) 584-6022**

for the Wellington Dry-Coal Cleaning Facility. BRC Wellington, LLC is the owner of the entire surface parcel included within the permit area. A performance bond is filed with the DOGM in the amount of \$206,000.00, payable to the state of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Wellington Dry-Coal Cleaning Facility situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 10, East, SLBM

Section 14: Portion of the NE 1/4

More accurately described as:

Beginning at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 15 South, Range 10 East, of the SLB&M; and running thence South 00 deg. 26' 51" East 469.62 feet along the Quarter section Line; thence North 89 deg. 30' 07" East 1020.02 feet; thence North 00 deg. 26' 51" West 397.84 feet to the Southerly Right of Way Line of an existing county Road known as Ridge Road; thence along said line the following two (2) calls, South 89 deg. 23' 40" West 293.93 feet; thence 464.66 feet along the arc of a

1456.39 foot radius curve to the right and concave to the South, (chord bears North 81 deg. 30' 15" West 462.69 feet) to a point on the 40 acre line; thence along said line South 89 deg. 30' 07" West 269.03 feet to the point of beginning. Said parcel contains 10.0 acres.

Beginning at a point which lies South 00 deg. 26' 51" East along the Quarter Section Line 469.62 feet from the Northwest Corner of the Southwest Quarter of the Northeast Quarter of section 14, Township 15 South, Range 10 East, of the SLB&M; and running thence South 00 deg. 26' 51" East 852.51 feet to the North Line of the Southeast Quarter of Section 14; thence along said Line North 89 deg. 40' 58" East 1020.02 feet; thence North 00 deg. 26' 51" West 855.73 feet; thence South 89 deg. 30' 07" West 1020.02 feet to the point of beginning. Said parcel contains 20.0 acres.

This legal description is for the permit area (30 acres) of the Wellington Dry-Coal Cleaning Facility and included in the operation and reclamation plan on file at the Division. The permittee is authorized to conduct coal mining and reclamation operations connected with a preparation plant on the foregoing described property subject to the Conditional Use Permit issued by Wellington City, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on August 31, 2019 (5 year term).
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- A. have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and

reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. immediate implementation of measures necessary to comply; and
- C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 10 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 11 EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-3023 for compliance, modification, or abandonment of existing structures.

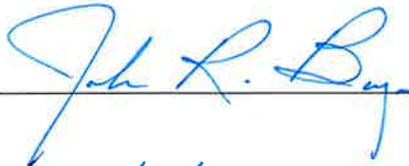
Sec. 12 RECLAMATION FEE PAYMENT - The operator shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: 
Date: 7/1/14

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A
SPECIAL CONDITION

1. BRC Wellington, LLC will submit water quality data for the Wellington Dry-coal Cleaning Facility in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>.

AFFIDAVIT OF PUBLICATION

C/007/0045
6/16/14
Task ID #4586

STATE OF UTAH)

ss.

County of Carbon,)

I, Richard Shaw, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website, the first publication was on the 8th day of May, 2014, and that the last publication of such notice was in the issue of such newspaper dated the 29th day of May 2014.



Richard Shaw – Publisher

Subscribed and sworn to before me this 29th day of May, 2014.



Notary Public My commission expires January 10, 2015 Residing at Price, Utah

Publication fee, \$ 470.40

**BRC WELLINGTON DRY-COAL CLEANING
FACILITY PERMIT RENEWAL APPLICATION
APRIL 30, 2014
NOTICE OF PERMIT APPLICATION
BRC WELLINGTON, LLC**

Notice is hereby given that BRC Wellington, LLC, 6100 Dutchmans Lane, Suite 900, Louisville, Kentucky 40205 has submitted an application to the Utah Division of Oil, Gas and Mining (the Division) to operate a dry-coal cleaning facility approximately 2 miles southwest of Wellington Utah. The permit area for this facility is located in NE ¼ Section 14, Township 15 South, Range 10 East, SLBM and contains approximately 30 acres. Pursuant to the Utah Administrative Code R645-300-121.150 notice is also provided that this facility is located within 100 feet of the outside right-of-way of a public road (Ridge Road).

The Division has determined that this application is administratively complete. A copy of the permit application is available for public inspection at the following location:

Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

Carbon County Clerk's Office
120 East Main
Price, UT 84501

Written comments, objections, and requests for informal conference or public hearings on the application or location of the facility may be addressed to:

Utah Coal Program
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

Closing date for submission of comments, objections, and requests for informal conference or public hearing is 30 days from the last date of newspaper publication.

Published in the Sun Advocate May 8, 15, 22 and 29, 2014.





GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 30, 2014

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings – Wellington Dry-Coal
Cleaning Facility, BRC Wellington, LLC, C/007/0045, Task ID #4586

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of BRC Wellington, LLC. BRC Wellington, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

O:\007045.WDC\PERMIT\2014\510C.DOC



U.S. Department of the Interior Office of Surface Mining
Applicant/Violator System

suzanne.steab (UT) | Logo

Click for the Office of Surface Mining Website

[Home](#) ▶ [ENTITY](#) ▶ [APPLICATION](#) ▶ [PERMIT](#) ▶ [VIOLATION](#) ▶ [REPORTS](#) ▶

[HOME](#) > ENTITY EVALUATE

Evaluation on Application Number: C0070045 SEQ:2

0 Violations

[Print Report](#)

Application Evaluation

Application Number	C0070045 SEQ:2
Applicant Name	254465 BRC Wellington LLC
Date of Request	6/30/2014 10:29:06 AM
Requestor	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 11

- 249037 Rickmeier Advisors Inc - ()
- 249036 Steve Rickmeier - (Owner)
- 249036 Steve Rickmeier - (President)
- 253716 Bowie Refined Coal LLC - (Subsidiary Company)
- 128807 James J Wolff - (Chief Financial Officer)
- 249036 Steve Rickmeier - (Member)
- 253999 Justin F. Thompson - (Vice President)
- 249044 Gillian L Rickmeier Trust - ()
- 249038 Rickmeier Partners LP - (Subsidiary Company)
- 249036 Steve Rickmeier - (Partner)
- 253716 Bowie Refined Coal LLC - (Subsidiary Company)
- 128807 James J Wolff - (Chief Financial Officer)
- 249036 Steve Rickmeier - (Member)
- 253999 Justin F. Thompson - (Vice President)
- 249045 Mark G Rickmeier Trust - ()
- 249038 Rickmeier Partners LP - (Subsidiary Company)

-----249036 Steve Rickmeier - (Partner)
-----253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----128807 James J Wolff - (Chief Financial Officer)
-----249036 Steve Rickmeier - (Member)
-----253999 Justin F. Thompson - (Vice President)
253718 Wolff Consulting - ()
---128807 James J Wolff - (President)
---128807 James J Wolff - (Shareholder)
---253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----128807 James J Wolff - (Chief Financial Officer)
-----249036 Steve Rickmeier - (Member)
-----253999 Justin F. Thompson - (Vice President)
254465 BRC Wellington LLC - ()
---128807 James J Wolff - (Chief Financial Officer)
---249036 Steve Rickmeier - (Member)
---253999 Justin F. Thompson - (Vice President)
254888 BRC Alabama No 7 LLC - ()
---128807 James J Wolff - (Chief Financial Officer)
---128807 James J Wolff - (Member)
---128807 James J Wolff - (Owner)
---249036 Steve Rickmeier - (Member)
---249036 Steve Rickmeier - (Owner)
---253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----128807 James J Wolff - (Chief Financial Officer)
-----249036 Steve Rickmeier - (Member)
-----253999 Justin F. Thompson - (Vice President)

NarrativeRequest Narrative